

REMARKS

The foregoing amendment amends Claim 1 to clarify the invention and cancels Claims 2, 9, 12, 15 and 16. Claims 1, 3, 4, 7, 8, 10, 11, 13, 14 and 17 are now pending in this application. For the reasons set forth below, Applicant believes that the rejections should be withdrawn and that the claims are in condition for allowance.

OBJECTION TO CLAIMS 15 AND 16

The Examiner objected to Claims 15 and 16 for being dependent on canceled Claims 5 and 6. The foregoing amendment cancels Claims 15 and 16. Accordingly, this objection is now moot.

REJECTION OF CLAIMS 1-4 AND 14-16 UNDER 35 U.S.C. 102(b)

The Examiner rejected Claims 1-4 and 14-16 under 35 U.S.C. 102(b) as being anticipated by U.S. Publication No. 2001/0045322 to Nilsson *et al.* ("Nilsson"). In order to anticipate a claim under 35 U.S.C. 102(b), a reference must disclose each and every element of a claim. As discussed below, this rejection is respectfully traversed.

The foregoing amendment to Claim 1 clarifies that a downstream pipe comprises a first end portion thereof opened in the expansion room, and a second end portion thereof opened outside of the expansion room; wherein the end portion of the upstream pipe and the first end portion of the downstream pipe are opened towards the same direction; and the opening in the downstream pipe is positioned in an axial direction between the end portion of the upstream pipe and the first end portion of the downstream pipe; and the elongated area is directionally stretched in a circumferential direction of the downstream pipe and is evenly distributed in a substantial main axis direction of the downstream pipe. Support for the amendment to Claim 1 can be found in Figures 2 and 6 and the accompanying text. Figure 2 illustrates that the first end portion (8a) of the downstream pipe (8) is opened in the expansion room and the second end portion of the downstream pipe (8) is opened outside of the expansion room, the end portion of the upstream pipe (11a) and the first end portion (8a)

of the downstream pipe (8) open in the same direction, the opening (10) in the downstream pipe (8) is located in an axial direction between the end portion (11a) of the upstream pipe and the first end portion (8a) of the downstream pipe (8), and that the elongated area is directionally stretched in a circumferential direction of the downstream pipe (8) and is evenly distributed in a substantial main axis direction of the downstream pipe (8).

In the Office Action, the Examiner alleged that Figure 1 of Nilsson disclosed a downstream pipe (6), an end portion (5) thereof opened in the expansion room (3); and the end portion of the upstream pipe (2) and the end portion (7) of the downstream pipe (6) opened towards the same direction. Fig. 1 of Nilsson actually describes an end pipe (6) that is connected at one end to a bend (4) and at the other end to a further pipe section (7). A straight tubular section is connected at one end to the bend (4) and is open at the other end to the chamber (3). From the inlet (2) exhaust is conveyed to the chamber (3). The end pipe has a "total length L_1 " as shown in Fig. 2. [0025]. The end portions of the end pipe (6) open in different directions, as shown in Fig. 2. Thus, the characteristics of the first end portion of the downstream pipe as recited by Claim 1, are not disclosed by end portions (5) and (7) of Nilsson.

Nilsson describes that an inlet (2) conveys exhaust gases to a chamber (3) and on to a straight tubular section (5) and a bend (4). The bend (4) connects to an end pipe (6) that includes a perforated section (6a). Fig. 1 and [0021]-[0022]. As illustrated in Figure 1, the inlet pipe extends to the chamber wall and the straight tubular section extends from the side of the wall. The perforated section axially overlaps both the inlet pipe and the straight tubular sections. In contrast, Claim 1 requires that the opening in the downstream pipe is located in an axial direction between the end portion of the upstream pipe and the first end portion of the downstream pipe. Figure 1 of Nilsson does not describe the particular location of the opening in the downstream pipe as recited by Claim 1.

Furthermore, Nilsson does not disclose that the elongated area is directionally stretched in a circumferential direction of the downstream pipe and is evenly distributed in a substantial main axis direction of the downstream pipe. In addressing this feature, the

Examiner cited to paragraph [0032] of Nilsson. However, paragraph [0032] of Nilsson merely teaches that a perforated area can be positioned around the entire circumferential surface of the end pipe, or alternatively along a portion of the circumferential surface. Nilsson does not specify the perforated areas in terms of the circumferential direction of the downstream pipe nor the main axis direction of the downstream pipe, as recited by Claim 1.

None of the drawings of Nilsson cited by the Examiner, or corresponding sections of the detailed description of Nilsson disclose all of the features of Claim 1. Accordingly, Claim 1 is patentable over Nilsson.

Claims 3, 4 and 14 depend from Claim 1 and are patentable over Nilsson for at least the same reasons discussed above.

REJECTION OF CLAIMS 8-13 UNDER 35 U.S.C. 103(a)

The Examiner rejected Claims 8-13 under 35 U.S.C. 103(a) as being unpatentable over Nilsson. Claims 8, 10, 11 and 13 depend from Claim 1 and are patentable over Nilsson for at least the same reasons discussed above.

REJECTION OF CLAIM 7 UNDER 35 U.S.C. 103(a)

The Examiner rejected Claim 7 under 35 U.S.C. 103(a) as being unpatentable over Nilsson (2001/0045322) in view of U.S. Patent No. 2,095,999 to Miles ("Miles"). Claim 7 depends from Claim 1 and is patentable over Nilsson in view of Miles for at least the same reasons discussed above.

REJECTION OF CLAIM 17 UNDER 35 U.S.C. 103(a)

The Examiner rejected Claim 17 under 35 U.S.C. 103(a) as being unpatentable over Nilsson in view of U.S. Patent No. 4,735,283 to Macaluso ("Macaluso"). Claim 17 depends from Claim 1 and is patentable over Nilsson in view of Macaluso for at least the same reasons discussed above.

CONCLUSION

In light of the foregoing, it is respectfully submitted that the pending claims are allowable and a notice of allowance is respectfully requested. If there are any issues that can be resolved via a telephone conference, the Examiner is invited to contact the undersigned at 404.685.6799. The Commissioner is authorized to charge any additional fees that may be due or credit any overpayment to Deposit Account No. 11-0855.

Respectfully submitted,

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